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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Christina Khoo, et al.

Application No:

10/729,450

Filed:

December 5, 2003

Group Art Unit: Confirmation No: 1651 1031

Examiner:

Allison M. Ford

Date:

April 24, 2006

Title:

Attorney Reference: 7129-00 COMPOSITION AND METHOD

NOTICE OF APPEAL

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Applicants hereby provide Notice of Appeal pursuant to 37 CFR §41.31(a) to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Office Action dated April 05 2006, finally rejecting Claims 1-15, 17 and 19 in the Application.

Please charge the fee for filing a Notice of Appeal pursuant to 37 CFR §41.20(b)(1) to Deposit Account No. 502957.

Please charge any shortage in fees or credit any excess fees during the entire . pendency of this Application to Deposit Account No. 502957.

Respectfully submitted,

Hill's Pet Nutrition, Inc. Capitol Tower Building 400 SW 8th Avenue

Topeka, Kansas 66603

Wendell Ray Guffey Reg. No. 31,762

Phone: 785-286-8285

Email: ray guffey@hillspet.com

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2006 at facsimile number 571-273-

Wendell Ray Guffey

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			28-Apr-06	APPL. S. N:	10899425	
To Exam	iner:		MULLEN, THOMAS J.	Art Unit	2612	
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68	
SUBJEC	T: Decisio	n on Termi	nal Disclaimer(T.D.) filed:		•	
form par or have a	agraphs i any quest	dentified by ions, please	this informal memo in your nex e see me or the Special Program	results as set forth below. If you a t Office action to notify applicant o Examiner. THIS IS AN INFORMAL, DF RECORD IN THE APPLICATION F	f the T.D. If you disagree INTERNAL MEMO ONLY.	
please in	itial, date	and return	this memo to me. THANK YOU.			
$\overline{\mathbf{Q}}$	The T.D.	T.D. is PROPER and has been recorded (see 14.23).				
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):					
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account				
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).				
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).				
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).				
		The persor	who signed the T.D.:			
		is is	not an attorney "of record" (see	e 14.29 and 14.29.01).		
		☐ h	as failed to state his/her capacity	y to sign for the business entity (se	ee 14.28).	
		is is	not recognized as an officer of t	the assignee (see 14.29 & possible	14.29.02).	
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).				
		The T.D. is	not signed (see 14.26 & 14.26.0	03).	:	
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).				
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).				
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).				
		Other:			E	
	Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.					
have ap	propriate	ly notified a	applicant(s) of the status of the 1	Terminal Disclaimer filed in this cas	e.	
Ex.Initial	s:	D	ate:		Log Date:	
			•	•		